UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
12/07/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 September 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-129</u> is/are pending in the application.

    4a) Of the above claim(s) <u>See Continuation Sheet</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14, 17-31, 33 - 34, 36-39, 52- 65, 68 - 82, 84 - 85, 87 - 90, 103- 104, 106 - 107, 109 - 110, 112, 113, 115- 128</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>5/27/2009</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 15-16,32,35,40-51, 66- 67, 83,86,91-102,105, 108, 111, 114, 129.

DETAILED ACTION

This action is in response to Amendment filed 9/10/2009. The text of those sections of Title 35,

U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

1.   Applicant's amendment filed on September 10, 2009 has been entered. Claims 1, 12-14,

17, 37-39, 52, 55-58, 63-65, 68, 72-75, 88-90, 103, 104, 106, 107, 109, 110, 112, 113, 118, 119,

and 121-124 have been amended. Claims 15 - 16, 32, 35, 40 - 51, 66-67, 83, 86, 91 - 102, 105,

108, 111, 114, and 129 have been canceled. No claims have been added. Claims 1-14, 17-31, 33

- 34, 36-39, 52- 65, 68 - 82, 84 - 85, 87 - 90, 103- 104, 106 - 107, 109 - 110, 112, 113, and 115-

128 are still pending in this application.

Claim Rejections - 35 USC § 102

2.   Claims 17 – 24, 33 - 34, 36 - 39, 68 – 75, 84 – 85, 87- 90, 104, 107, 110, 113, 116, and

119, 126, and 128 are rejected under 35 U.S.C. 102(e) as being anticipated by Berkley et al. (US

6,546,005).

For claims 17, 68, 104, 107, 110, and 113, Berkley et al. discloses a method, an

apparatus with means for , a computer-readable medium, and system for routing a

communication to a preferred device (Abstract; column 5 lines 11 – 25; column 6 lines 50 –

column 7 line 8), comprising: a voice network (column 5 lines 62 – column 6 line 15); a data

network (column 5 lines 62 – column 6 line 15); and a service center operable to receive

information pertaining to a communication to the user from a calling party, the communication

to the user being initiated by an action of the calling party on the data network (*Active User Registry system*, Fig.1, 170, column 5 lines 11 - 60; column 10 lines 20 – 25, lines 53 – 59; column 11 lines 18 - 31); retrieve data corresponding to the user using the received information (column 6 lines 50 – column 7 lines 51; column 9 lines 10 – column 10 lines 4, 25 - 40, 59- column 11 line 4); determine a preferred device of the user based on the retrieved data, wherein the preferred device is one of a plurality of devices associated with the user (column 10 lines 36 - 45, 65 - column 11 line 4); determine whether the preferred device of the user requires a different data format than a device used by the calling party to initiate the communication (column 11 lines 55 – column 12 line 48); and send information to the calling party indicating that the calling party should contact the user at the preferred device of the user, when the preferred device of the user requires a different data format than the device used by the calling party (AUR and communications number/address as preferred device of the user, column 12 lines 50 - 65).

As to claims 18 and 69, Berkley et al. further teaches wherein the action comprises clicking on a hyperlink (column 11 lines 28 – 31).

As to claims 19 and 70, Berkley et al. further teaches wherein retrieving data comprises: accessing a database for call preference information corresponding to the user (column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

As to claims 20 and 71, Berkley et al. further teaches wherein the call preference information comprises an indication of a device to which communications should be forwarded (column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

As to claims 21 and 72, Berkley et al. further teaches wherein determining a preferred device comprises: specifying the preferred device to be a device indicated in the call preference information (column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

As to claims 22 and 73, Berkley et al. further teaches wherein determining a preferred device comprises: specifying the preferred device to be a predetermined default device (column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

As to claims 23 and 74, Berkley et al. further teaches wherein determining a preferred device comprises: specifying the preferred device to be a device last used by the user (column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

As to claims 24 and 75, Berkley et al. further teaches wherein determining a preferred device comprises: specifying the preferred device based on information reflecting a time period during which a particular device is the preferred device (column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

As to claims 33 - 34 and 84 - 85, Berkley et al. further teaches routing the communication to the preferred to the voice mail based on a determination that the user is associated with a do not disturb mode (Berkley et al., column 9 lines 63 - column 10 line 16).

As to claims 36 and 87, Berkley et al. further teaches the data format of the device of the calling party comprises voice data and the data format of the preferred device of the user comprises text data, or vice versa (column 12 lines 66 – column 13 line 16).

As to claims 37 and 88, Berkley et al. further teaches sending a request for the data format of the device used by the calling party (*the AUR responds by presenting an access menu to the* subscriber, column 10 lines 20 -36).

As to claims 38 and 89, Berkley et al. further teaches providing the device associated with the calling party with a graphical interface to use in entering the communication (Berkley et al., column 10 lines 20 - 36).

As to claims 39 and 90, Berkley et al. further teaches wherein reformatting the communication comprises: automatically converting incoming data associated with the communication to new incoming data with the data format of the preferred device of the user (column 12 lines 36 – column 13 line 16).

As to claims 116 and 119, Berkley et al. further teaches wherein determining a preferred device comprises: specifying the preferred device based on information reflecting the user's location (column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

As to claims 126 and 128, Berkley et al. further teaches wherein sending a request comprises: presenting an appropriate overlay to communicate with the preferred device of the user (column 12 lines 36 – column 13 line 16).

Claim Rejections - 35 USC § 103

3.   Claims 1 - 14, 52 - 65, 103, 106, 109, 112, 115, 118, 123 – 125 and 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkley et al. (US 6,546,005) in view of Goldberg et al. (US 6,687,340).

For claims 1, 52, 103, 106, 109, and 112, Berkley et al. discloses a method, an apparatus with means for , a computer-readable medium, and system for routing a communication to a preferred device (Abstract; column 5 lines 11 – 25; column 6 lines 50 – column 7 line 8), comprising: a voice network (column 5 lines 62 – column 6 line 15); a data network (column 5

lines 62 – column 6 line 15); and a service center operable to receive a communication from a

calling party to a device associated with a particular user (*Active User Registry system*, Fig.1,

170, column 5 lines 11 - 60; column 10 lines 20 – 25, lines 53 - 59); access information

pertaining to the communication (column 10 lines 25 – 36); retrieve data corresponding to the

user using the received information pertaining to the communication (column 6 lines 50 –

column 7 lines 51; column 9 lines 10 – column 10 lines 4, 25 - 40, 59- column 11 line 4);

determine a preferred device of the user based on the retrieved data, wherein the preferred device

is one of a plurality of devices associated with the user (column 10 lines 36 - 45, 65 - column 11

line 4); and, determine whether the preferred device of the user requires a different data format

than a device used by the calling party to initiate the communication (column 11 lines 55 –

column 12 line 48). Yet, Berkley fails to teach sending contact information for the calling party

to the preferred device of the user in the data of the preferred device, when the preferred device

of the user requires a different data format than the device used by the calling party to initiate the

communication.

However, Goldberg et al. discloses a system, method, and apparatus wherein the contact

information for the calling party is sent to the called party for the purpose of forwarding a call to

called party when the data format of the called party's device requires a different data format than

the device used by the calling party to initiate the communication (node as contact

location/information for calling party; Abstract; column 2 lines 49 – column 3 line 11, 18 – 42;

column 4 lines 18 - 26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to modify the teachings of Berkley et al. with the teachings of Goldberg et

al. so that the contact information for both the called party (Berkley et al, column 11 lines 5 –

13) and the calling party can be sent for the providing different methods of routing a call to

called party when the calling party and called party use different data formats, i.e. routing a call

to a called party using call back.

For claims 2 and 53, Berkley et al. further discloses wherein retrieving data comprises:

accessing a database for call preference information corresponding to the user (Berkley et al.,

column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 3 and 54, Berkley et al. further discloses wherein the call preference

information comprises an indication of a device to which communications should be forwarded

(Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 4 and 55, Berkley et al. further discloses wherein determining a preferred

device comprises: specifying the preferred device to be a device indicated in the call preference

information (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10

line 4).

For claims 5 and 56, Berkley et al. further discloses wherein determining a preferred

device comprises: specifying the preferred device to be a predetermined default device (Berkley

et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 6 and 57, Davis et al. further teaches wherein determining a preferred device

comprises: specifying the preferred device to be a device last used by the user (Berkley et al.,

column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 7 and 58, Berkley et al. further discloses wherein determining a preferred device comprises: specifying the preferred device based on information reflecting a time period during which a particular device is the preferred device (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4).

For claims 8-9 and 59 – 60, Berkley et al. further discloses routing the communication to the preferred to the voice mail based on a determination that the user is associated with a do not disturb mode (Berkley et al., column 9 lines 63 - column 10 line 16).

For claims 10 and 61, Berkley et al. further discloses routing the communication to the preferred device without reformatting the communication if the preferred device does not require a different data format (Berkley et al., column 10 lines 32 – 43).

For claims 11 and 62, Berkley et al. further discloses the data format of the device of the calling party comprises voice data and the data format of the preferred device of the user comprises text data, or vice versa (Berkley et al., column 12 lines 66 – column 13 line 16).

For claims 12 and 63, Berkley et al. further discloses sending a request for the data format of the device used by the calling party (Berkley et al., *the AUR responds by presenting an access menu to the* subscriber, column 10 lines 20 -36).

For claims 13 and 64, Berkley et al. further discloses providing the device associated with the calling party with a graphical interface for use in entering the communication (Berkley et al., column 10 lines 20 -36).

For claims 14 and 65, Berkley et al. further discloses wherein reformatting the communication comprises: automatically converting incoming data associated with the

communication to new incoming data with the data format of the preferred device of the user
(Berkley et al., column 12 lines 36 – column 13 line 16).

For claims 115 and 118, Berkley et al. further discloses wherein determining a preferred
device comprises: specifying the preferred device based on information reflecting the user's
location (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line
4).

For claims 123 and 124, Berkley et al. further discloses wherein receiving a
communication comprises: detecting the communication from the calling party; and intercepting
the communication upon detecting an intercept trigger associated with the communication
(Berkley et al., dialing a telephone number corresponding to the AUR system, column 10 lines
53 – 59).

For claims 125 and 127, Berkley et al. further teaches wherein sending a request
comprises: presenting an appropriate overlay to communicate with the preferred device of the
user (Berkley et al., column 12 lines 36 – column 13 line 16).

4.   Claims 25-31, 76-82, 117, and 120-122 are rejected under 35 U.S.C. 103(a) as
being unpatentable over Berkley et al. (US 6,546,005) in view of Frey et al. (US 6,535,596).

For claims, 25-28 and 76-79, Berkley et al. fails to teach retrieving data corresponding to
the calling party; and determining a preferred device of the calling party based on the retrieved
data.   However, Frey discloses a method for processing calls based on the calling party's profile

wherein data corresponding to the calling party is retrieved from a database and

preferences for the calling party are determined (Abstract; column 14 lines 13-26).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of

applicant's invention to modify the teachings of Berkley et al with teachings of Frey to store

calling party preferences, i.e. preferred device in a database for the purpose of processing calls

based on the calling party's profile.

For claims 29 and 80, the teachings of Berkley et al. and Frey further disclose specifying

the preferred device of the calling party to be a predetermined default device (Berkley et al.,

column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4) (Frey, column 10

lines 20- 40).

For claims 30 and 81, the teachings of Berkley et al. and Frey further disclose specifying

the preferred device of the calling party to be the device last used by the calling party (Berkley et

al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4) (Frey, column 10

lines 20- 40).

For claims 31 and 82, Frey further discloses specifying the preferred device of the calling

party based on information reflecting a time period during which a particular device is the

preferred device of the calling party (Frey, column 11 lines 1-12).

For claims 117 and 120, the teachings of Berkley et al. and Frey further disclose wherein

determining a preferred device comprises: specifying the preferred device based on information

reflecting the user's location (Berkley et al., column 6 lines 50 – column 7 line 51; column 9 line 10 – column 10 line 4) (Frey, column 10 lines 20- 40).

For claims 121 – 122, Berkley et al. further discloses wherein the predetermined default device is the device used by the calling party to initiate the communications (Berkley et al., Berkley et al., column 10 lines 20 – 40, 57 - 65; column 12 lines 43 - 49).

Response to Arguments

5.   Applicant's arguments with respect to claims 1 – 14, 17 - 31, 33 -34, 36 – 39, 52 – 65; 68 – 82, 87-90, 103- 104, 106- 107, 109 – 110, 112, 113, and 115 – 128 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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